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to grant, where practicable, specific rather than compensatory or substitutional relief when legal rights are violated.

After stating his thesis and outlining the theoretical argument in support of it, the author shows that there are now statutes in force in England and in most of the States in this country empowering courts of equity to give a *real* effect to their decrees in certain cases by directly appointing officers to execute conveyances upon the failure of the parties to do so. These statutes are collected in the appendix. Next, he traces the parallel but more extensive progress of the Roman law from substitutional to specific relief and its enforcement by "natural execution," the advantages of which are fully recognized and preserved in the modern civil law systems. Recurring to the law of this country the author points out the need for legislation extending the power of equity to grant relief when the property in litigation is within the territorial jurisdiction of the court, but the defendant is not; notably in suits to enforce contracts to convey real estate, action to remove clouds on titles, and interpleader proceedings. He then sketches the development of equitable procedure *in rem*, and closes with a discussion of the growing trend of modern law toward the recognition of certain equitable rights—particularly those of *cestui que* trust—as being genuine rights *in rem*, rather than the purely personal obligations they were originally considered.

The author's treatment is interesting and able, and his conclusions lead in the direction of substantial and practical reforms in equity procedure.

J. WALLACE BRYAN.

The Reconciliation of Government with Liberty. By JOHN W. BURGESS. (New York: Charles Scribner's Sons. 1915. Pp. xix, 394.)

It is an almost wholly unsuccessful endeavor that Professor Burgess makes to discover political systems, past or present, in which government has been reconciled with liberty. One is, however, not surprised at this, or at being told that "it has been the search of the ages to find," and "the travail of the ages to construct," such a "mellennial equilibrium," when he learns the "three fundamental factors" that the author considers indispensable to guard against despotism or anarchy: "first, the organization of the sovereign power, the state, back of and independent of the government; second, the delineation by the sovereign

of the realm of individual immunity against governmental power; and third, the construction by the sovereign of the organs and procedure for protecting this realm of Individual Immunity against the encroachments of Government."

Asia, Africa, and Europe have failed to furnish any such millennial political system, but the story of their "travail" consumes three-fourths of the book. Switzerland is the only one of the states of Europe which has regarded the first of these axioms of "sound political science;" in delineating a sphere of individual liberty, modern European systems are fairly satisfactory, but this does not save them from condemnation on the ground that they do not meet the third requirement: the individual is not sufficiently protected against the law-making body. In some cases, there should be "a greater independence and even a certain jealousy" between the executive and legislature, instead of union under parliamentary government; but the great defect is that the trend is toward a unicameral system, "however scrupulously the form of the bicameral system may be preserved." The present constitutions of Europe are for this reason unsatisfactory; liberty is secured "by the benevolence of government and not by constitutional right."

But "the future of all the Americas is never to be despaired of." There is "one real state," the Argentine Republic, which is "the light and hope of South America" in solving the world problem of reconciliation, and there is—or at last there was, until 1898—"one real state in North America," the war amendments having sufficiently extended the realm of individual liberty. But even before this there were certain defects. Equal representation in the Senate is excepted from the operation of the sovereign power, and constitutional amendments should be by the method which is, "from the point of view of Political Science the ideal one" initiation by a national convention with ratification by conventions in three fourths of the States of the Union. Instead, we have had the amendments initiated by Congress, and ratified "by the legislatures of two-thirds [sic] of the States."

Nevertheless, until 1898, ours was "the most perfect system of civil liberty." But this is true no longer. The decisions of the United States supreme court in the insular cases have been destructive of liberty; the popular election of United States senators has changed the conservative composition of Congress, and the income tax amendment gives the government unlimited power over property.

It is evident, I think, from this exposition, that Professor Burgess differs from the great majority of political theorists, and so only one

comment need be ventured. His first "fundamental factor" rests on the same confusion of terms that he made in his *Political Science and Constitutional Law*: it is improper to speak of the "State" as organized either within or without the "government," for the latter is simply the machinery of the "State." This confusion accounts for the futility of the method adopted in searching for the "millennial political system." Whether government and liberty are reconciled may be ascertained only by an examination of what the government does—whether the laws passed encroach on the liberty of the citizen. What this volume really attempts is to discover whether the citizen is protected against government by the State.

LINDSAY ROGERS.

Undercurrents in American Politics. By A. T. HADLEY. (New Haven, Conn.: Yale University Press. 1915. Pp. 185.)

The Liberty of Citizenship. By S. W. McCALL. (New Haven, Conn.: Yale University Press. 1915. Pp. 134.)

These volumes consist of series of lectures, those of President Hadley having been delivered at Oxford University, England, and at the University of Virginia, while those of Governor McCall were delivered on the Dodge Foundation at Yale University. The Oxford lectures of President Hadley have to do with the general subject of "property and democracy," while his Virginia lectures are concerned with political methods. In the first series of lectures, the author traces the interaction of political and economic tendencies in our history, and develops an economic interpretation of the Constitution. He holds that the incorporation in that instrument of guaranties to property owners was not the result of a conspiracy, but was more or less unwitting. He points out that "where every man of energy and enterprise expected to become a property owner, the community was not inclined to favor legislation that restricted the rights of property" (p. 76). He observes also that a solution of the question of state control will not be reached until the public demand for state regulation of industry and for trained civil service go hand in hand. In the second series of lectures, President Hadley considers the perversion of democratic government through the operation of party machinery. He admits that the results of party action are both good and bad, but is inclined to think that the bad predominates. In continuation he considers some of the so-called remedies